

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

JAMES W. McCORMACK, CLERK
By: _____
DEP CLERK

AUG - 7 2013

UNITED STATES OF AMERICA)	
vs.	)	No. 4:13CR00144 BSM
)	
CHESTER GREEN, aka "CHEESE"	)	21 U.S.C. § 846
OLEN JAY DEFOURE	)	21 U.S.C. § 841(a)(1)
JUSTIN ELLIS	)	21 U.S.C. § 841(b)(1)(A)
CHEVIS JOHNSON	)	21 U.S.C. § 841(b)(1)(B)
RODNEY JOHNSON	)	21 U.S.C. § 841(b)(1)(C)
TIMOTHY VACHON JOHNSON	)	21 U.S.C. § 841(b)(1)(D)
SAMMY ANTOINE NEAL	)	21 U.S.C. § 843(b)
MARCO ANTONIO	)	18 U.S.C. § 2
PORTEZ-ORTEGA, aka "TONY"	)	18 U.S.C. § 3571
JOSE REFUGIO RUIZ-JUAREZ,	)	18 U.S.C. § 3013
aka JOSE RUIZ-CORTES, aka CUCO	)	18 U.S.C. § 3583
ROXANA WHISENHUNT, aka	)	21 U.S.C. § 853
ROXANA DE LA ROSA-RAMIREZ	)	18 U.S.C. § 3147(1)

SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT 1

From in or about January 2012 and continuing through in or about August 2013, in
the Eastern District of Arkansas, the defendants,

CHESTER GREEN, aka "CHEESE,"
OLEN JAY DEFOURE,
JUSTIN ELLIS,
CHEVIS JOHNSON,
RODNEY JOHNSON,
TIMOTHY VACHON JOHNSON,
SAMMY ANTOINE NEAL,
MARCO ANTONIO PORTES-ORTEGA, aka "TONY,"
JOSE REFUGIO RUIZ-JUAREZ, aka JOSE RUIZ-CORTES, aka "CUCO," and
ROXANA WHISENHUNT, aka ROXANA DE LA ROSA-RAMIREZ

conspired with each other and other persons known and unknown to the grand jury to
knowingly and intentionally possess with the intent to distribute and to distribute 500 grams

or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

All in violation of Title 21, United States Code, Section 846.

COUNT 2

On or about June 12, 2012, in the Eastern District of Arkansas, the defendant,

CHESTER GREEN, aka "CHEESE,"

knowingly and intentionally distributed more than 5 grams of methamphetamine actual, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT 3

On or about June 19, 2012, in the Eastern District of Arkansas, the defendant,

CHESTER GREEN, aka "CHEESE,"

knowingly and intentionally distributed more than 5 grams of methamphetamine actual, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT 4

On or about January 14, 2013, in the Eastern District of Arkansas, the defendant,

OLEN JAY DEFOURE,

knowingly and intentionally possessed with the intent to distribute less than 50 grams of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 5

On or about February 22, 2013, in the Eastern District of Arkansas, the defendant,

CHEVIS JOHNSON,

knowingly and intentionally possessed with the intent to distribute more than 500 grams of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT 6

On or about September 29, 2012, in the Eastern District of Arkansas, the defendant,

RODNEY JOHNSON,

knowingly and intentionally possessed with the intent to distribute less than 50 grams of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 7

On or about August 13, 2012, in the Eastern District of Arkansas, the defendant,

TIMOTHY VACHON JOHNSON,

knowingly and intentionally distributed less than 50 grams of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 8

On or about August 14, 2012, in the Eastern District of Arkansas, the defendant,

TIMOTHY VACHON JOHNSON,

knowingly and intentionally distributed less than 50 grams of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 9

On or about August 16, 2012, in the Eastern District of Arkansas, the defendant,

TIMOTHY VACHON JOHNSON,

knowingly and intentionally distributed less than 50 grams of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 10

On or about May 9, 2012, in the Eastern District of Arkansas, the defendant,

SAMMY ANTOINE NEAL,

knowingly and intentionally possessed with the intent to distribute more than 50 grams of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT 11

On or about January 31, 2013, in the Eastern District of Arkansas, the defendants, **JOSE REFUGIO RUIZ-JUAREZ, aka JOSE RUIZ-CORTES, aka "CUCO," and ROXANA WHISENHUNT, aka ROXANA DE LA ROSA-RAMIREZ,** aiding and abetting each other, knowingly and intentionally possessed with the intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B), and Title 18, United States Code, Section 2.

COUNT 12

On or about January 31, 2013, in the Eastern District of Arkansas, the defendants, **JOSE REFUGIO RUIZ-JUAREZ, aka JOSE RUIZ-CORTES, aka "CUCO," and ROXANA WHISENHUNT, aka ROXANA DE LA ROSA-RAMIREZ,** aiding and abetting each other, knowingly and intentionally possessed with the intent to distribute less than 50 kilograms of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D), and Title 18, United States Code, Section 2.

COUNT 13

On or about January 6, 2013, in the Eastern District of Arkansas, and elsewhere, **CHESTER GREEN, aka "CHEESE,"** defendant herein, knowingly and intentionally used a communication facility, to wit, a telephone, in committing, causing and facilitating conspiracy to possess with intent to distribute and distribute a controlled substance, as set forth in Count 1 of this Indictment, in violation of Title 21, United States Code, Section 846;

In violation of Title 21, United States Code, Section 843(b).

COUNT 14

On or about February 22, 2013, in the Eastern District of Arkansas, and elsewhere,

CHESTER GREEN, aka "CHEESE,"

defendant herein, knowingly and intentionally used a communication facility, to wit, a telephone, in committing, causing and facilitating conspiracy to possess with intent to distribute and distribute a controlled substance, as set forth in Count 1 of this Indictment, in violation of Title 21, United States Code, Section 846;

In violation of Title 21, United States Code, Section 843(b).

COUNT 15

On or about February 19, 2013, in the Eastern District of Arkansas, and elsewhere,

JUSTIN ELLIS,

defendant herein, knowingly and intentionally used a communication facility, to wit, a telephone, in committing, causing and facilitating conspiracy to possess with intent to distribute and distribute a controlled substance, as set forth in Count 1 of this Indictment, in violation of Title 21, United States Code, Section 846;

In violation of Title 21, United States Code, Section 843(b).

COUNT 16

On or about February 20, 2013, in the Eastern District of Arkansas, and elsewhere,

JUSTIN ELLIS,

defendant herein, knowingly and intentionally used a communication facility, to wit, a telephone, in committing, causing and facilitating conspiracy to possess with intent to distribute and distribute a controlled substance, as set forth in Count 1 of this Indictment, in

violation of Title 21, United States Code, Section 846;

In violation of Title 21, United States Code, Section 843(b).

COUNT 17

On or about February 22, 2013, in the Eastern District of Arkansas, and elsewhere,

CHEVIS JOHNSON,

defendant herein, knowingly and intentionally used a communication facility, to wit, a telephone, in committing, causing and facilitating conspiracy to possess with intent to distribute and distribute a controlled substance, as set forth in Count 1 of this Indictment, in violation of Title 21, United States Code, Section 846;

In violation of Title 21, United States Code, Section 843(b).

COUNT 18

On or about December 23, 2012, in the Eastern District of Arkansas, and elsewhere,

TIMOTHY VACHON JOHNSON,

defendant herein, knowingly and intentionally used a communication facility, to wit, a telephone, in committing, causing and facilitating conspiracy to possess with intent to distribute and distribute a controlled substance, as set forth in Count 1 of this Indictment, in violation of Title 21, United States Code, Section 846;

In violation of Title 21, United States Code, Section 843(b).

COUNT 19

On or about March 2, 2013, in the Eastern District of Arkansas, and elsewhere,

TIMOTHY VACHON JOHNSON,

defendant herein, knowingly and intentionally used a communication facility, to wit, a telephone, in committing, causing and facilitating conspiracy to possess with intent to

distribute and distribute a controlled substance, as set forth in Count 1 of this Indictment, in violation of Title 21, United States Code, Section 846;

In violation of Title 21, United States Code, Section 843(b).

COUNT 20

On or about January 6, 2013, in the Eastern District of Arkansas, and elsewhere,

MARCO ANTONIO PORTES-ORTEGA, aka "TONY,"

defendant herein, knowingly and intentionally used a communication facility, to wit, a telephone, in committing, causing and facilitating conspiracy to possess with intent to distribute and distribute a controlled substance, as set forth in Count 1 of this Indictment, in violation of Title 21, United States Code, Section 846;

In violation of Title 21, United States Code, Section 843(b).

COUNT 21

On or about February 22, 2013, in the Eastern District of Arkansas, and elsewhere,

MARCO ANTONIO PORTES-ORTEGA, aka "TONY,"

defendant herein, knowingly and intentionally used a communication facility, to wit, a telephone, in committing, causing and facilitating conspiracy to possess with intent to distribute and distribute a controlled substance, as set forth in Count 1 of this Indictment, in violation of Title 21, United States Code, Section 846;

In violation of Title 21, United States Code, Section 843(b).

COUNT 22

On or about January 6, 2013, in the Eastern District of Arkansas, and elsewhere,

ROXANA WHISENHUNT, aka ROXANA DE LA ROSA-RAMIREZ,

defendant herein, knowingly and intentionally used a communication facility, to wit, a

telephone, in committing, causing and facilitating conspiracy to possess with intent to distribute and distribute a controlled substance, as set forth in Count 1 of this Indictment, in violation of Title 21, United States Code, Section 846;

In violation of Title 21, United States Code, Section 843(b).

COUNT 23

On or about August 1, 2013, in the Eastern District of Arkansas, the defendant,

CHESTER GREEN, aka “CHEESE,”

knowingly and intentionally distributed 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT 24

CHESTER GREEN, aka “CHEESE” was on pretrial release pursuant to an order dated June 7, 2013, entered by a United States Magistrate Judge for the United States District Court, Eastern District of Arkansas, Case No. 4:13CR00144-01 BSM (Doc. No. 73), which order notified CHESTER GREEN, aka “CHEESE” of the potential effect of committing a federal offense while on pretrial release.

On or about August 1, 2013, in the Eastern District of Arkansas, the defendant,

CHESTER GREEN, aka “CHEESE”

committed the offense of distribution a controlled substance (methamphetamine), as set forth in Count 23 of this Superseding Indictment, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B) and Title 18, United States Code, Section 3147(1).

FORFEITURE ALLEGATION 1

Upon conviction of one or more of the offenses alleged in Counts 1, 2, and 3 of this Superseding Indictment, the defendant,

CHESTER GREEN, aka "CHEESE,"

shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of said violations and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of said violations, including, but not limited to the following:

- a) \$13,320.00 in United States Currency seized from 268 Highway 385 South, Kensett, Arkansas;
- b) One black Smith & Wesson, model M&P 15-22, .22 caliber rifle, bearing serial number DZM4469, along with magazine;
- c) One DPMS Panther Arms, AR-15 rifle with GLX laser sight, bearing serial number FH184942, along with magazine;
- d) One black Saiga 12-gauge shotgun, bearing serial number H11426885, along with magazine;
- e) \$49,120.00 in United States Currency seized from 914 Scott Street, Augusta, Arkansas;
- f) One Taurus handgun, model PT145, bearing serial number NCX61570;
- g) One 2012 Polaris Razor 900XP, bearing VIN number 4XAJT9EA4CB590690;
- h) One 2012 Kawasaki Ninja ZX14 motorcycle, bearing VIN number JKBZXNE14CA004347;

- i) \$8,767.00 in United States Currency seized from 118 Olyvia Circle, Higginson, Arkansas;
- j) One 2008 Cadillac DTS, bearing VIN number 1G6KD57Y08U141082;
- k) One 2011 GMC Sierra, bearing VIN number 3GTP2WE33BG160855; and
- l) One 2011 Chevrolet Camero; bearing VIN number 2G1FK1EJXB9115105.

FORFEITURE ALLEGATION 2

Upon conviction of one or more of the offenses alleged in Counts 1 and 10 of this Superseding Indictment, the defendant,

SAMMY ANTOINE NEAL,

shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of said violations and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of said violations, including, but not limited to \$5,200.00 in United States Currency seized from Sammy Antoine Neal on May 21, 2013.

[End of Text. Signature page attached.]